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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 DANIEL SANDERS, CO-TRUSTEE
11 OF DS/KSL SANDERS FAMILY
12 TRUST UDT DATED APRIL 28,
13 1998; and KAREN L. SANDERS,
14 CO-TRUSTEE OF THE DS/KSL
15 SANDERS TRUST UDT DATED
16 APRIL 28, 1998,

17 Plaintiffs,

18 vs.

19 SUTTON FUNDING, LLC; THE
20 BANK OF NEW YORK MELLON
21 TRUST COMPANY, N.A., AS
22 GRANTOR TRUSTEE OF THE
23 PROTIUM MASTER GRANTOR
24 TRUST; T.D. SERVICE COMPANY;
25 and DOES 1–10, inclusive,

26 Defendants.

27 CASE NO. 10-CV-2142 JLS (DHB)

28 **ORDER: (1) GRANTING
PLAINTIFFS' MOTION FOR
ENTRY OF JUDGMENT; AND
(2) DISMISSING ACTION IN ITS
ENTIRETY WITH PREJUDICE**

29 (ECF No. 83)

30 Presently before the Court is Plaintiffs Daniel Sanders and Karen L. Sanders'
31 (collectively, "Plaintiffs") Motion for Entry of Judgment. (ECF No. 83.) In its June 26,
32 2014 Order, the Court granted Defendant Bank of New York Mellon's motion to
33 dismiss but granted Plaintiffs' request for leave to file an amended complaint. (*See*
34 ECF No. 73.) In their Motion, Plaintiffs state that they no longer intend to file an
35 amended complaint, as discovery conducted after issuance of the Order revealed that

1 Plaintiffs' proposed amendment would be without merit. (Mot. for Entry of J. 3–4, ECF
2 No. 83-1.) Accordingly, Plaintiffs request that this Court dispose of this case pursuant
3 to the June 26, 2014 Order, which provided that “[f]ailure to file an amended complaint
4 [within fourteen days] may result in dismissal of this action with prejudice.” (*Id.* at 4;
5 Order 13, ECF No. 73.)

6 A hearing on this matter is presently scheduled for September 4, 2014.
7 Accordingly, pursuant to the Local Rules, any opposition to Plaintiffs' Motion was due
8 on or before August 21, 2014. *See* CivLR 7.1(e)(2). No defendant has filed an
9 opposition. The Local Rules provide that failure to file a timely opposition “may
10 constitute a consent to the granting of a motion.” *See id.* 7.1(f)(3)(c).

11 Accordingly, the Court **HEREBY GRANTS** Plaintiffs' Motion. The Court
12 **DISMISSES WITH PREJUDICE** all claims brought by Plaintiffs against Defendants
13 in this matter. The Clerk of the Court shall close the file.

14 **IT IS SO ORDERED.**

15 DATED: August 25, 2014

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Honorable Janis L. Sammartino
17 United States District Judge

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